CHAPTER 75.5 GUIDELINES FOR THE ENVIRONMENTAL REMEDIATION ACTIVITIES FUNDING AND PRIORITIZATION

75-5.1 INTRODUCTION

a. Background

Federal facility environmental planning is required by Executive Order 12088. Under this order, Federal agencies are required to submit environmental plans to the EPA and OMB. The Executive Order also establishes guidelines for submitting, reviewing, and analyzing agency plans. The process is referred to as the FEDPLAN process (formerly termed the A-106 process). A draft document titled FEDPLAN: Federal Agency Environmental Planning Guidance Document was published by EPA in June, 1996.

The FEDPLAN guidance does not mandate a specific prioritization system that agencies must follow. It does state that each environmental finding should be ranked against other findings. Agencies are encouraged to develop their own system for prioritizing findings. The FEDPLAN document lists eleven factors that agencies should consider when setting priorities. The IHS has consolidated these eleven factors into five.

IHS and FEDPLAN Factors

IHS Factors	FEDPLAN Factors
Risk to Human Health or the Environment	Risk to Human Health or the Environment; Conservation
Investment Strategy	Investment Strategy; Pollution Prevention
Regulatory Risk	Regulatory Risk
Mission	Mission; Federal Agency Directives; Program Management; Program Continuity
Public Perception	Public Perception
Integrated into all	Professional Judgement Factors

b. Purpose

This section establishes Indian Health Service (IHS) guidelines for funding environmental assessments and prioritizing and funding special studies and projects derived from the assessment process. These procedures utilize a scoring process that considers the relative importance and acuteness of various priority ranking factors.

The work must be at IHS facilities or at tribally-owned health care facilities which provide IHS-funded services.

c. Intent

The intent of these guidelines is to establish a method and criteria for funding eligibility and a scoring process that considers the relative importance and acuteness of various priority ranking factors. The results determine which studies and projects will be funded with the available funds.

75-5.2 FUNDING

a. Assessments

Funding for facility assessments will be set aside for all eligible facilities needing environmental assessments. Priorities will be determined and funds will be made available by the Steering Committee on a yearly basis.

b. Special Studies

The cost of special studies needed to determine remedial action for specific Findings when below the thresholds should initially be funded by the Area but may be reimbursed when the actual environmental remediation project is funded by the Steering Committee. Funding for special studies will be considered by the Steering Committee if the cost of the study exceeds the “Area” thresholds below and the Area is unable to fund the work utilizing locally available funds.

c. Remediation

Funding will be available for remediation efforts expected to cost more than $25,000 or more than 3% of an Area’s total annual M&I allocation, whichever is less. In addition, regardless of amount, funding is available for closed (non-operational) facilities which are not allocated M&I funding by HQ and which require environmental remediation before they can be disposed of.

Area Offices are expected to prioritize, fund, and manage all smaller remediation efforts using a portion of the general M&I funds allocated to the Area.

d. Obligations

When a project is selected, a commitment is made to provide timely progress toward completion of the full scope of work within the total identified funding. A contingency, maximum of 20 percent, should be included. If funds exceeding 20 percent above the project amount, not including the contingency, are required to achieve the designated scope of work, the submitter (tribe or Area Office) commits itself to cover 25 percent of the excessive costs (amount over the 20 percent contingency). Unneeded contingency funds are returned to the environmental remediation fund; they are NOT retained by the tribe or Area Office.

75-5.3 DOCUMENTATION

Submission documentation submitted for special studies or environmental remediation projects will consist of a complete Project Summary Document, per the Technical Handbook for Environmental Health and Engineering, plus detailed cost estimates, supporting documentation, and findings of studies. No submission documentation is required for requesting an assessment.

75-5.4 PRIORITIZATION PROCESS

The IHS environmental prioritization system evaluates proposed remediation projects and special studies that exceed the Area threshold. They are numerically scored based on IHS rating factors. The highest-ranking projects or studies within the monies available are funded.

a. Submission and Evaluation Timetable

The Steering Committee will generally establish two time windows each year when it will accept proposals for environmental projects and studies. One window will be timed so evaluations by the Steering Committee can be completed prior to the start of the Fiscal Year for which funds are anticipated. Approximately 85% of the anticipated funds will be allocated at this time. A second evaluation will be made approximately mid-fiscal year to allocate remaining funds.

The Steering Committee will provide generalized notice to all area offices in advance of the submission deadline; the submission deadline will be approximately four weeks prior to the scheduled evaluation meeting to allow Committee members to

review submissions in advance and obtain clarifications or additional information if needed.

A yearly calender indicating the expected timeframes is included in the Chapter, 'Environmental Assessment/Remediation Activities Process' as Exhibit I.

b. Submissions

Submission documentation will be as indicated above. Submissions should not be made unless work can begin within six months after selection. Submission packages should be sent to the Chairman of the Steering Committee. Tribes may submit requests via the Area offices for non-Federally owned facilities, but are encouraged to consult in advance with their respective Area Office to assure consistency with other submissions.

c. Evaluation Procedures

A quorum of Steering Committee members is required to proceed with an evaluation meeting. Alternates may be proposed but must be approved in advance by the Chairman. If a quorum cannot be reached, the meeting will be rescheduled.

Prior to the evaluation meeting, members will first determine if the submittal is complete and comprehensive and that a suitable commitment has been made to begin work within six months. Projects that do not meet these criteria will not be ranked.

For project which is ready to be ranked, the members will designate a numerical score, within the designated range, for each of the five evaluation factors (see Appendix A). If a factor is not applicable, it should receive a zero. For each project (including separate studies, when applicable), the scores from each of the five factors are summed to derive the raters cumulative project score.

All projects are then ranked. Allowing for some Committee discretion, projects will be funded from the highest ranking downward, until the appropriate funding level is reached. Committee discretion may take two forms: 1) if there are insufficient funds remaining to fund a project in entirety, lower ranking projects with smaller funding requirements may be funded. In this case, the bypassed project will automatically be included in the subsequent funding cycle and need not be resubmitted; 2) the Committee may elect to release only a portion of the total funds needed for a project, generally the amount of funds that will be required before the next funding cycle. There is, however, a commitment to the total identified funding, with a partially funded project being automatically included in the subsequent funding cycle.

Unfunded projects may be resubmitted for consideration during the next funding cycle.

e. Process Obligations

The Steering Committee will release funds as soon as they are available and are needed. The Tribe or Area Office commits to beginning work within six months of funding approval and to making timely progress to complete the project. Brief annual project status reports are required. Final reports are required a the end of the fiscal year in which the project is completed.

f. Self-Governance

Tribes or tribal organizations are eligible to submit projects on the same basis as IHS Area Offices. Tribes or tribal organizations may manage projects via Title I contracts or Amendments to Title III AFAs, on the same basis as M&I “pool” projects.

75-5.5 RESPONSIBILITIES

Responsibilities for each action of each activity is indicated in the calender in Exhibit I.

EXHIBIT 1 - PRIORITY RATINGS FOR IHS ENVIRONMENTAL ASSESSMENT PROCESS

Priority Range Description

Risk to Human Health or the Environment

15-20 Potential significant human health and/or ecological risk exists, or additional study is required to determine risk. Factors to consider include: number of persons exposed, length of exposure, carcinogen versus non-carcinogen, endangered species, fishery impacts, etc. A potential significant risk generally involves: 1) a documented release or condition that is likely to result in a release; and, 2) a high risk of exposure via groundwater, surface water, air or soil. An example would be a shallow drinking water aquifer or sensitive environmental habitat located in direct vicinity of a leaking tank.

10-15 Potential human health and/or ecological risk exists and is medium. A medium risk generally involves: 1) a documented release or condition that may result in a release; and, 2) a potential route of exposure via groundwater, surface water air, or soil. An example would be a nearby drinking water aquifer or sensitive environmental habitat that is not in direct contact with a leaking tank, but could be impacted if the leak is not remediated.

5-10 Potential human health and/or ecological risk exists and is low. A low risk generally involves: 1) a documented release or condition that could result in a release; and, 2) a low risk of exposure via groundwater, surface water air, or soil. An example would be the absence of any drinking water aquifers or sensitive environmental habitat in the vicinity of a leaking tank.

Investment Strategy

10-15 Potential return on investment is high by either eliminating economic losses or enhancing economic gains resulting from implementation of corrective actions. Examples include: 1. Findings with a high potential for future liability if actions are delayed. An example would be potential contamination of a sole source aquifer. 2. Actions with monetary payback in three years or less. 3. Significant pollution prevention actions; example- eliminating use of a high hazard substance, such as PCBs transformers.

5-10 Potential return on investment is moderate by either eliminating economic losses or enhancing economic gains resulting from implementation of corrective actions. Examples include: 1. Findings with a moderate potential for future liability if actions are delayed. An example is soil contamination by petroleum hydrocarbons where ground and/or surface water could be impacted in the future. 2. Actions with monetary payback between three and five years. 3. Moderate pollution prevention actions; example- substituting a hazardous substance with an environmentally safe substance, such as replacing solvent cleaners with citrus-based cleaners.

1-5 Potential return on investment is low by either eliminating economic losses or enhancing economic gains resulting from implementation of corrective actions. Examples include: 1. Findings with a low potential for future liability if actions are delayed. An example would be small amounts of lead paint contamination in soils where no children are exposed. 2. Actions with monetary payback greater than five years. 3. Minimal pollution prevention actions; example- reducing use of moderately hazardous substances, such as oil-based paints.

Regulatory Risk

8-10 Funding is critical to achieve compliance schedules and/or consent agreements mandated by applicable environmental laws and regulations.

5 - 8 Funds are required for inventories, assessments, surveys, and studies necessary to define critical program required by existing laws and regulations.

4 -5 Action is required by laws/regulations, but could be postponed without the facility going out of compliance.

3-4 Action is for regulations that have been proposed, but have not yet been promulgated.

1 - 3 Action is not currently required, but may be needed to avoid possible non-compliance in the future.

Mission

7-10 Failure to act will significantly affect the facility's ability to perform its assigned mission, meet time-specific agency schedules, sustain an effective environmental program, or delay critical aspects of the program.

5-7 Failure to act may degrade a facility's ability to perform missions, meet agency requirements, or maintain the environmental program.

1-5 Failure to act will not degrade the facility's ability to perform assigned or projected missions. Funds are desirable to meet general guidance of internal regulations or enhance the environmental program.

Public Perception

7-10 Immediate action needed to avoid confrontation with Federal/State/Local/Tribal regulatory officials or the public.

1-7 Some action needed to avoid confrontation with Federal/State local regulatory officials or the public.